

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 10, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER PATRICK FINLEY,

Defendant.

NO. 4:18-cr-06037-SAB

**ORDER ACCEPTING PLEA
AND SETTING SENTENCING
HEARING**

On April 4, 2019, Defendant appeared before the Court and entered a plea of guilty to Count One of the Indictment, filed on July 7, 2018, charging him with Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. §§ 922(g)(1), and 924(a)(2). Jennifer Barnes appeared on behalf of Defendant, who was present in the courtroom, and Meghan McCalla appeared on behalf of the Government, standing in for Stephanie Van Marter.

The Court finds that Defendant is fully competent and aware of the nature of the charges and consequences of the plea, that the plea of guilty is knowing and voluntary, is not induced by fear, coercion, or ignorance, and is supported by an independent basis in fact establishing each of the essential elements of the crime. Therefore, Defendant's plea of guilty is accepted.

Accordingly, **IT IS ORDERED:**

1. All pending pretrial motions, if any, are **DENIED AS MOOT**.

2. Sentencing shall be held on **July 3, 2019**, at **10:30 a.m.**, in **Yakima, Washington**. Pending sentencing Defendant shall remain in the custody of the

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1 United States Marshals Service pursuant to this Court's previous Order.

2 3. The United States Probation Officer shall prepare a timely presentence
3 investigation report ("PSIR") which will comply with the following schedule:

4 (a) Not less than **35 days prior to the date set for sentencing**, the
5 Probation Officer shall disclose the PSIR to counsel for Defendant and the United
6 States. Within **14 days thereafter**, counsel shall communicate in writing to the
7 probation office any objections they may have as to any factual errors or
8 omissions; sentencing classifications; sentencing guideline ranges; and policy
9 statements contained in or omitted from the report. Such communication may be
10 oral initially, but shall immediately be confirmed in writing to the Probation
11 Officer and opposing counsel.

12 (b) Objections shall be numbered and identify the paragraph(s) to
13 which the objection applies. Objections shall address the PSIR in sequential order,
14 beginning with the lowest numbered paragraph.

15 (c) After receiving counsel's objections, the Probation Officer shall
16 conduct any further investigation and make any revisions to the PSIR that may be
17 necessary. The Probation Officer may require counsel for both parties to meet with
18 the officer to discuss unresolved factual and legal issues and counsel shall make
19 themselves available for that purpose.

20 (d) At least **10 days prior to the date of the sentencing hearing**, the
21 Probation Officer shall submit the PSIR to the sentencing judge. The PSIR shall be
22 accompanied by an addendum setting forth any objections counsel may have
23 made, including those that have not been resolved, together with the officer's
24 comments and recommendations thereon. The Probation Officer shall certify that
25 the contents of the report, other than sentencing recommendations, including any
26 revisions or addenda, have been disclosed to counsel for the Defendant and the
27 United States, and that the addendum fairly states any remaining objections.

28 (e) Except with regard to any written objection made under

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sub-division (a), the PSIR and computations shall be accepted by the Court as accurate. Upon a timely objection by the Defendant, the United States bears the burden of proof on any fact that is necessary to establish the base offense level. The Court, however, for good cause shown, may allow a new objection to be raised at any time before the imposition of sentence. In resolving disputed issues of fact, the Court may consider any reliable information presented by the Probation Officer, the Defendant, or the United States.

(f) Nothing in this Order requires the disclosure of any portions of the PSR that are not disclosable under Rule 32 of the Federal Rules of Criminal Procedure.

(g) The PSIR shall be deemed to have been disclosed: (1) when a copy of the report is physically delivered; or (2) one day after the report's availability for inspection is orally communicated; or (3) three days after a copy of the report or notice of its availability is mailed to counsel, whichever date is earlier.

(h) **Any memorandum or motion** regarding sentencing must be filed and served at least **15 days prior to the date set for sentencing**. The opposing party shall file and serve a response, if any, **within 7 days** of receipt of the motion.

The District Court Executive is directed to file this Order and provide copies to counsel **AND TO** the United States Probation Office.

DATED this 10th day of April, 2019.



A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Stanley A. Bastian
United States District Judge